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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,855	07/14/2003	Dong-Ryeol Lee	1293.1839	3801

21171 7590 04/21/2008  
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1201 NEW YORK AVENUE, N.W.  
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EXAMINER
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GOMA, TAWFIK A

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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04/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

This action is in response to the arguments filed on 3/24/2008.

#### ***Response to Arguments***

Applicant's arguments filed 3/24/2008 have been fully considered but they are not persuasive. Applicant's arguments that the diffraction grating of Park does not change the convergence or divergence of the light because that function is performed by the collimating lenses in Park, this argument is not persuasive. The examiner contends that the use of the collimating lenses to further adjust convergence or divergence of light does not in any way preclude the use of the diffraction grating of Park for a similar function. The diffraction grating of Park is clearly disclosed to be capable of adjusting the location of 0 and +/-1 order light onto the proper location of the photo-detector. As previously noted in the Final Rejection, the element achieves this function by adjusting the divergence of the split beams (0 order, +/- 1 order) by moving in an optical axis direction such that the beams are converged at the appropriate location on the photo-detecting elements. Furthermore, the act of diffraction of light essentially contains the process of adjusting convergence and/or divergence of light since it changes the direction of the light that is incident upon the grating, and Park discloses that the element's property of changing the direction of the waves is used to converge light onto specific locations on the photo-detecting elements.

The applicant's speculation as to whether the collimating lenses would also have to be adjusted in order to adjust for the movement of the diffraction grating as a convergence/divergence element, and that the collimating lens seems to be fixed in Park's disclosure is unsupported. When the reference relied on expressly anticipates or makes obvious

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all of the elements of the claimed invention, the reference is presumed to be operable. Once such a reference is found, the burden is on applicant to provide facts rebutting the presumption of operability. In re Sasse, 629 F.2d 675, 207 USPQ 107 (CCPA 1980). See also MPEP § 716.07.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAWFIK GOMA whose telephone number is (571)272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tawfik Goma/  
Examiner, Art Unit 2627